



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200400458

Date: September 30, 2004

Comments Due: October 30, 2004

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Arista Del Sol (aka Pappas Sunrise Douglas) project, which would result in impacts to approximately 13.82 acres of waters of the United States, including wetlands, in or adjacent to unnamed tributaries of Laguna Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Thad Johnson  
Pappas Investments  
2020 L Street, 5th Floor  
Sacramento, California 95814-4219

**LOCATION:** The approximately 209-acre project site is located in Rancho Cordova in Section 15, Township 8 North, Range 7 East, Sacramento County, California, and can be seen on the Buffalo Creek USGS Topographic Quadrangle. The project is located within the Sunridge Specific Plan area and the Sunrise Douglas Community Plan Area.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a low to medium density residential development and associated infrastructure on approximately 133.5 acres of the site. In addition, the applicant proposes to construct 2 neighborhood parks totalling 19.4 acres, a 5.6-acre mixed use commercial development, and 7.6 acres of drainage corridors and detention/water quality basins. Approximately 41.1 acres would be established as an open space/wetland preserve.

The proposed development would result in the loss of approximately 13.82 acres of waters of the United States, including 0.15 acres of seasonal drainages, 0.71 acres of seasonal wetlands, 5.37 acres of vernal pools, 7.56 acres of ponds, and a 0.03-acre seep. The proposed 41.1-acre wetland preserve would contain 0.30 acres of seasonal wetland and 3.22 acres of vernal pools. The perimeter of the preserve would be fenced. Additionally, it would be legally protected, and sufficiently funded to ensure in perpetuity management and protection of the resources.

The applicant has indicated that the proposed land use is consistent with the Sunrise Douglas Community Plan and the Sunridge Specific Plan. Based on the available information, the overall project purpose is to construct a primarily residential development of 150-250 acres in Sacramento County. The applicant believes there is a need to provide additional housing within the City of Sacramento commute shed. The attached drawings provide additional project details.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** Approximately 17.34 acres of waters of the United States exist within the surveyed boundary, including 0.15 acres of seasonal drainages, 1.01 acres of seasonal wetlands, 8.59 acres of vernal pools, 7.56 acres of ponds, and an 0.03-acre seep. The vernal pools on the project site are

of good quality and support several wetland plant species, including water-starwort (*Callitriche sp.*), annual hairgrass (*Deschampsia danthonioides*), coyote thistle (*Eryngium vaseyii*), manna grass (*Glyceria sp.*), white navarretia (*Navarretia leucocephala*), slender popcornflower (*Plagiobothrys stipitatus*), Carter's buttercup (*Ranunculus bonariensis var. trisepalus*), and Hyssop loosestrife (*Lythrum hyssopifolia*). Additionally, vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) were found to occupy some of the vernal pools on the site.

In addition to the aquatic habitats identified above, the property contains approximately 192 acres of non-native annual grassland habitat. The site and those surrounding have been historically used to graze cattle or for other passive agriculture. The surrounding lands are proposed for development in accordance with the Sunrise Douglas Community Plan and the Sunridge and Suncreek Specific Plans.

**Alternatives.** The applicant has not provided information concerning project alternatives. Information concerning project alternatives may be available from the applicant or their agent.

In June 2004, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency (EPA), and the Corps developed a preservation alternative for the Sunrise Douglas Community Plan area. A map of this alternative, entitled, *A Conceptual-Level Strategy for Avoiding, Minimizing, & Preserving Aquatic Resource Habitat in the Sunrise-Douglas Community Plan Area*, is enclosed. The Conceptual-Level Strategy was created to achieve reasonable protection and conservation of federally threatened and endangered species, while taking a regional approach to avoidance and minimization of impacts to waters of the United States, in accordance with EPA's Section 404(b)(1) guidelines. The applicant's proposed development appears consistent with the strategy.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate direct impacts through restoration/creation at a 1:1 ratio at a Corps approved mitigation site. Direct impacts to vernal pool crustacean habitat would also be mitigated through preservation at a 2:1 ratio. Indirect impacts to vernal pool crustacean habitat would be mitigated by preservation at a 2:1 ratio. The applicant has not proposed to create or restore habitat as mitigation for indirect or secondary impacts.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

**HISTORIC PROPERTIES:** Based on the available information, including the Sunrise Douglas Community Plan/Sunridge Specific Plan Environmental Impact Report, cultural resources not are within the project's area of potential effect. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat, including the vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Sacramento orcutt grass (*Orcuttia viscida*), slender orcutt grass (*Orcuttia tenuis*), and California tiger salamander (*Ambystoma californiense*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200400458, must be submitted to the office listed below on or before October 30, 2005:

William Ness, Chief, Sacramento Office  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [William.W.Ness@usace.army.mil](mailto:William.W.Ness@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Ness, 916-557-5268, [William.W.Ness@usace.army.mil](mailto:William.W.Ness@usace.army.mil).

Attachments: 4 drawings